

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VOLLERS EXCAVATING &
CONSTRUCTION, INC.

Plaintiff,

v.

BORO DEVELOPERS, INC., *et al.*

Defendants.

CIVIL ACTION NO. 21-455

ORDER

AND NOW, this 29th day of September 2022, upon consideration of the pending motions, and the responses and replies thereto, and for the reasons stated in the accompanying memorandum opinion, it is hereby ordered that:

1. Plaintiff's Motion to Dismiss Counterclaim [Doc. No. 20] is **GRANTED**. The Counterclaim asserted by Boro against Vollers is **DISMISSED with prejudice**.
2. Plaintiff's Motion for Sanctions [Doc. No. 27] is **GRANTED**. Sanctions are imposed against Boro Developers, Inc., doing business as Boro Construction, and its counsel Philip A. Yampolsky, as follows: Counsel for the parties shall confer and attempt to agree upon reasonable attorneys' fees incurred by Vollers Excavating & Construction, Inc., in connection with the filing of the Motion to Dismiss and the Motion for Sanctions. If no agreement is reached, then within **21 days** Vollers shall submit to the Court its reasonable attorneys' fees and costs to which Boro and Yampolsky shall respond with any objections within 14 days thereafter.
3. Third-Party Defendant's Motion to Dismiss Third-Party Complaint [Doc. No. 30], is **GRANTED in part** as follows: Counts II-IV of the Third-Party Complaint are **STAYED** until further order of the Court. Third-Party Defendant shall file an answer to Count I within **14 days**.

4. The unopposed Motion for Extension of Time to Complete Discovery [Doc. No. 35] is **GRANTED**. Counsel shall confer and file a proposed revised scheduling order within **14 days**.

It is so **ORDERED**.

BY THE COURT:

/s/Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.